

CCDLA
"READY IN THE DEFENSE OF LIBERTY"
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March 11, 2013

Hon. Eric D. Coleman, Co-Chair
Hon. Gerald M. Fox, Co-Chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: Raised Bills 6511

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA supports Raised Bill 6511, An Act Concerning the Enhanced Penalty For the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects. Raised Bill 6511 would reasonably reduce the size of the school/day care centers/public housing enhanced penalty zone from 1,500 feet to 200 feet.

The essence of the proposed legislation is to decrease the size of a school/daycare/public housing zone from 1500 ft. to 200 ft. to effectively and rationally protect school aged children through appropriately tailored legislation. The unintended effect of the current 1500 ft. zone is to discriminate against urban citizens by punishing them more severely than suburban or rural individuals who commit the same offense resulting in the disparate treatment of similarly situated individuals. The disproportionate charging and convicting of urban individuals of a separate crime calling for a mandatory sentence running consecutive to the penalty for the underlying offense results from the 1500 ft. proximity of prohibited schools/residences from nearly any location in a city and the sale or possession of drugs does not directly or collaterally endanger any child. As proposed, Raise Bill No. 6511 will sufficiently protect the intended children without causing prejudice to urban defendants allowing for the fair and equal administration of justice in Connecticut.

The purpose of enhanced penalties for selling or possessing drugs near schools and daycare centers was to penalize defendants who distribute to, or use drugs in front of, kids and

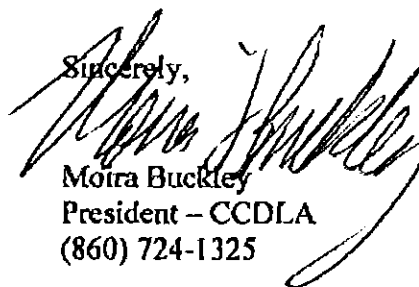
near schools. If a defendant is charged with the enhanced penalty nearly anywhere he/she commits the offense in the city of New Haven, for instance, then what deterrence is there from doing it in the very locations we seek to protect? By restricting the enhanced penalty zone to the immediate areas sought to be protected, defendants are theoretically deterred from entering those identified zones with drugs recognizing that if caught in these areas an enhanced sentence can be imposed to run consecutive to any sentence they receive for the actual offense.

Moreover, the citizens of the State will have more confidence in the system when controlled buys set up by law enforcement are not always in a school zone in urban settings deemed by this legislature to be unsafe for children. The large scope of the current drug free zone mandates law enforcement to set up drug deals in the very areas the legislature seeks to protect. Under the current law, we must necessarily permit law enforcement to deliberately place drug dealers and drugs in these restricted areas in urban communities. In so doing, the credibility of law enforcement is compromised and the actual risk to children questioned. By restricting the zone to the actual areas sought to be protected, undercover law enforcement endeavors will not be perceived as cynically by the public, and defendants will not be inclined to believe law enforcement "set them up" in a school zone to exact a harsher penalty.

Raised Bill 6511, if passed, does not make Connecticut soft on crime involving drug sales in school, day care or public housing zones. It makes current law constitutional and more effective in deterring the crime the school zone enhanced penalty provisions seek to protect. Connecticut has strict drug laws in place; reducing the 1500 ft. zone to 200 ft alerts the public of the identified protected areas and punishes those evenly throughout the state who offend in the protected areas. For these reasons, CCDLA SUPPORTS THE PASSAGE OF RAISED BILL NO. 6511.

Please contact me if you have any questions on our position. Thank you.

Sincerely,



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